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DOJ Asks Court to Toss Whistleblower Lawsuit Alleging Pfizer Defrauded U.S. Government

Friday, November 4, 2022 | Whistleblower Lawsuit Against Pfizer

Pfizer committed fraud during clinical trials for its COVID-19 vaccine. The DOJ also asked the court to dismiss whistleblower Brook Jackson's lawsuit against Pfizer.

By Michael Nevradakis, Ph.D.

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The U.S. Department of Justice (DOJ) on Tuesday asked to intervene in a lawsuit filed by whistleblower Brook Jackson against Pfizer and its partner BioNTech, Case 4:21-cv-00472-O.

The DOJ simultaneously asked the court to dismiss the lawsuit, which was filed by [whistleblower Brook Jackson](#).

Jackson said The Defender the DOJ's motion was "expected" and "will clarify for scientists for good or bad being against" the COVID-19 vaccines and the politicization the "allowing Pfizer to commit fraud on the U.S. Food and Drug Administration."

The fraud has undoubtedly cost taxpayers billions of dollars — and Pfizer has led to an untold number of injuries from the COVID-19 countermeasure, including myocarditis, pericarditis and deaths, particularly among young males.

Jackson is a former employee of the Ventavia Research Group, an independent lab that conducted some of the clinical trials for the Pfizer-BioNTech COVID-19 vaccine.

In January 2021, Jackson filed a [lawsuit](#) and [COVID-19 whistleblower complaint](#), alleging the companies committed numerous violations of the False Claims Act during the trials.

In September 2021, Jackson filed an [amended complaint](#), which was dismissed by U.S. District Judge Reed O'Connor on Oct. 31, 2022, who granted Pfizer's motion to dismiss, [giving Jackson 21 days to file an amended complaint](#) "if she can plead in accordance" of the case.

Oral arguments in the case are scheduled for April 17 before the U.S. District Court for the Eastern District of Texas Beaumont Division.

Selena Lacayanga, a [former pharmaceutical industry](#) executive with 25 years of experience in pharmaceutical research and development, told The Defender, "The DOJ's motion to dismiss Brook Jackson's case is expected, as the DOJ has been [protecting Pfizer's interests](#) from the beginning of the whistleblower defective products."

The fraud that Jackson describes ... has not been disputed by Pfizer," Lacayanga said.

Robert Barnes, one of the lawyers representing Jackson, spoke at a [March 8 presentation](#) at the Vaccine Safety Research Foundation, where he said, "they and every form of fraud they could commit, they did, in running a Pfizer trial."

"[Jackson] discovered it, uncovered it and he had liable under the act if they committed fraud on the government, and they committed numerous violations of the False Claims Act," Barnes said.

"The Wisest Cover-Up" by Robert F. Kennedy Jr.

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Pfizer had in order to get paid

The DOJ's motion to dismiss states that Jackson "alleged that defendants violated the protocol for the Pfizer-BioNTech COVID-19 clinical trial protocol and at three study sites in Texas and that defendant Pfizer misrepresented the safety and efficacy of its vaccine to the U.S. Food and Drug Administration (FDA)."

Jackson filed her lawsuit under the False Claims Act, which allows the government or a party suing on its behalf, such as Jackson, a whistle-blower, to recover money for false claims made by partners in an attempt to secure payment from the government.

Those parties, such as Pfizer-BioNTech, can be held liable under the act if they "knowingly submit false claims or cause another to submit false claims for payment."

According to the DOJ's filing, the False Claims Act "requires the United States to notify the court whether it will intervene in the qui tam action within a short time after the action," following "a period of investigation" in a [qui tam action](#) where a private party sues on behalf of the government to recover damages.

The government may choose whether to intervene in qui tam cases. If it does, it takes over primary responsibility for the case and is represented by the Department of Justice.

The government may subsequently opt to settle the case or to file a motion to dismiss, which the DOJ did.

The DOJ claims the U.S. "has good cause to intervene for the purpose of dismissing the action," as Supreme Court precedent in a [2019 ruling](#), *United States ex rel. Polansky v. Executive Health Resources Inc., et al.*, that said the government may intervene and [move to dismiss the action](#) "over the objection of the relator."

The DOJ further claimed that the U.S. government has good cause to intervene in the case because the action is "based on a flawed view of the law and the facts" and "the continued prosecution of the action would clearly not serve any government interest."

To support the DOJ's claims, the motion cites [June 3, 2014, FDA](#) [deferral](#) [memo](#) written by [FDA Commissioner Robert Califf](#) and Director Peter Marks, of the Center for Evaluation and Research Director [Peter Marks](#), claiming that:

> "Contrary to a wealth of misinformation available on social media and the internet, data from various studies indicate that the overall benefits of the COVID-19 pandemic vaccines of millions of lives saved outweigh its [sic] risks."

The DOJ also argued that, if the case is allowed to continue, the discovery process "would unnecessarily burden the government" and "divert its resources from HDR, the U.S. Department of Health and Human Services (HHS)."

Referring to the Supreme Court's Polansky ruling, jackson said:

> "The government came in at the very last moment and did what they're allowed to do under the statute.
>
> "As a matter of the way the Supreme Court and the Supreme Court ruled that based on the False Claims Act, the government has the ultimate authority to do whatever it wants to do in any case that it brings to ... show ... good cause."
>
> Lacayanga said that once a case is filed under the False Claims Act, "it immediately gets under the purview of the Health Resources Inc., et al., that said government may intervene and [move to dismiss the action](#) over the objection of the relator."

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Barnes added:

> "We succeeded in getting the judge to reconsider his ruling, and he reinstated the fraud and the inducement claims because that's where the claim is fundamentally about — that Pfizer wanted to get paid. They did not about what they were delivering. They said what they were delivering was safe and effective."

Pfizer filed a motion on Dec. 5, [2022](#), [requesting](#) that the court deny Jackson's motion to dismiss the case, arguing that the government is not paying for a therapeutic, they were not paying for a diagnostic, they were not paying for something that would resuscitate. And that's not the case here."

According to Lacayanga, by asking the court to file a motion to intervene, based on the argument that the case is "based on a flawed view of the law and the facts," the government is "basically saying that Jackson's claims are not legitimate."

This is the second time the DOJ is planning to intervene and to ask the court to dismiss a whistleblower lawsuit against Pfizer. The [first](#), filed in March 2021, [alleged](#) that Pfizer paid kickbacks to doctors to get them to administer its COVID-19 vaccine, the suit.

Jackson said the DOJ will most likely [cite](#) good cause, noting that a motion to dismiss is "the most likely" reason the DOJ is intervening in the case, adding that "that's what they can contend that these matters will be delayed, etc. etc."

"The government must show ... why they have a reasonable argument that it is more likely than not that the dismissal is in the government's interest," Jackson said. "It's a multi-billion dollar case, what's that argument going to be from the Justice Department?"

RFK Jr. and Brian Hooker's New Book: "Vax-Unvax"

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Discovery could show government covered up vaccine adverse events

If the DOJ's motion to dismiss fails, the process of discovery will proceed and that may reveal more evidence of a possible government cover up.

"We believe discovery will show the government's decision to [intervene] was politically motivated and not based on the merits of the case," Barnes said. "We believe discovery will show that the government covered up vaccine adverse events to bring the vaccine to the market."

Barnes said he will [request](#) that the DOJ provide the legal document two [delivery](#) dates crafting the case for the benefit of "Pfizer," Barnes added.

"We're going to ask to potentially receive some discovery in order that the 11 months of government investigation looked like and why they chose to keep it sealed and not bring it and let parties, like Brook Jackson, litigate the case," Barnes said.

As for what discovery may reveal, Jackson said she is "quite certain" that "a specific confirm allegations of fraud that have been exposed by the [sic] & violations of the clinical trial protocol, unblinding, lack of proper informed consent, manipulation of data, hiding adverse events, etc. are all going to be proven."

"I hope that the discovery would also produce unredacted contracts between the Department of Defense and Pfizer," Lacayanga said.

The opportunity to file a second amended complaint also allowed more evidence to be incorporated into the case, particularly as the previous complaint only allowed for it "claim what I knew as of September 2020."

The fraud and more details that Jackson plans to add to her complaint, Barnes said, "are all things that these people cannot [hide], as [some fraud], as some evidence will be formed now," Jackson said.

According to Lacayanga, the new information could include [emails](#) from Pfizer and Moderna, human [adverse event](#) data from the [Vaccine Adverse Event](#) [Reporting System \(VAERS\)](#) and other [databases](#), and [testimony](#) from current and former Pfizer employees, [such as Jackson](#).

According to Barnes, constitutional issues will also be at play if the lawsuit proceeds. This includes "whether or not impermissible ex parte communications are motivating the Justice Department in pursuing this case, a case that might be politically driven, and any communications that was in bad faith by Pfizer," he said.

"I know four years of fighting a system that's thought was on our side," Jackson said. "We've lost sight of what, or rather why the government serves. It's the people."

"It's remind the powers that be in Washington once again that according to the U.S. Constitution, the government jobs is to protect and serve the people. We are the sole interest, and we demand accountability."

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BUDGET & CORRECTION

Michael Nevradakis, Ph.D., based in Athens, Greece, is a research fellow at The Defender, director of the Children's Health Defense European Office and host of the "Counter Narrative Project."

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Laura Pierce

a month ago

I cringed before the 50 s in as corrupt as the CDC, FDA and all the rest.

David The Good

a month ago

Dr. William Thompson CDC Whistleblower & Dr. Andrew Zimmerman DOJ Whistleblower

https://www.thedefender.childrenshealthdefense.org/news-releases/cdc-whistleblower-fraud-vaccine-autism-statement-dr-william-thompson/?utm_source=salsa&eType=EmailBlast&eId=0ed1e0ed-1f0d-4e0f-8e0f-1f0d4e0f1f0d

Pages 33-34

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Jackson

a month ago

Thrilled I found this article. Pfizer is the absolute worst. Their fraudulent practices are unbelievable.

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Paul Dunham

a month ago

Pfizer is a criminal enterprise.

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Tom Hoffman

Beatrice → Frankruth
a month ago

I agree about Trump. I don't know why anyone would think that Trump has the hutzpah to stand up against our tyrannical government policies.

0 0 Reply

GarySummers → Beatrice
a month ago

I guess put your "Thinking Caps On"?
The Deep State must really HATE Trump?
Major Lawfare, and the Globalist Media against him.

They do not like RFK. Jr also, No Secret Service Protection?
A Vote for Biden IMO, is Obama's Forth Term.

After the CIA shows a new President the real JFK Film, any new President may have a different outlook? Most feel Obama is the real President?

1 0 Reply

Beatrice → GarySummers
a month ago

PS...aside from who the candidates end up being, what is truly evil and very unAmerican is the way the democratic party is rigging elections, paying media to lie and spread propaganda, resorting to truly evil crimes against innocent people and constantly bashing Putin and other leaders as if somehow we are more humane and decent??? Why Americans are not raising hell is beyond me. Now the Dems have the Jewish cabal doing their bidding which is disgusting. Did you watch the interview with Rabbi Barclay and Candice Owens? I could barely sit through it. That man is unholy, deceitful and abusive. I can only imagine how he treats his wife.

0 0 Reply

Beatrice → GarySummers
a month ago

I don't hate Trump but I don't think he's got the knowledge or integrity to know how to go up against the corporate interests ruling our country. He's too much of a people pleaser and needs everyone to 'like' him. I won't vote for him or Biden. Obama most likely is running the country. IF Trump were to appoint Ramaswamy as VP, I would vote for Trump but that's the only reason I would. Ramaswamy speaks to the point and knows exactly what to do to end this corruption and bloated government.

0 0 Reply

GarySummers → Frankruth
a month ago

"Just an Independent"
Trump Never Mandated the Jabs, plus he advocated for Early treatments, Ivermectin, Hydroxy, MABS, the Deep State Oligarchy put him into a Box IMO.

Fauci, Birx, CDC, FDA, NIH, DOD, were the alleged experts we now know differently.

I agree on the Fed, plus prior to the Fed No Income Tax.
Was President Wilson competent at the Time, or was his Wife running the Nation?
"Congress rips INSPECTOR GENERAL can't explain '9 TRILLION' MISSING"

see more

0 0 Reply

George
a month ago

The GOVID jabs are a DoD prototype countermeasure that doesn't require any trials at all. The Pfizer trials were theater to hide the nefarious DoD activities. Sasha Latypova and Katherine Watt substack articles detail the diabolical legal shenanigans that were used to circumvent the normal process for medical products. This corruption is much worse than anyone would imagine. The Defender needs to catch up on what really took place.

7 0 Reply

John Stone Mod → George
a month ago

Unfortunately, there are too many narratives but this is the one - legally speaking - that Brook Jackson finds herself at center of, and this is what Michael Nevradakis is reporting on. Yes, of course, Pfizer is in turn a front for the DoD.

6 0 Reply

Beatrice → George
a month ago

You're correct that it's much deeper than anyone can imagine. Even your local pharmacy engages in some of the most corrupt and unethical behind the scenes ' drug dealing' that most people can't even imagine. This is why I stay away from our medical system and medical insurance. Both are dangerous and deadly.

1 0 Reply

Les Preston
a month ago

So the DOJ is making up things to suit themselves? Their reason for dismissal,

"The United States should not be required to expend resources on a case that is inconsistent with its public health policy," the DOJ said in its motion to dismiss."

In the case of public health policy, fraud is the one thing that reverses Emergency Use Authorization and makes the companies liable for their actions. If that public health policy is based on fraud that would make this lawsuit very very relevant.

The PREP Act may provide for immunity from tort liability related to activities authorized under such authorities. More specifically, the PREP Act authorizes the HHS Secretary to issue a declaration (called a PREP Act declaration) that provides immunity (except for willful misconduct) for claims related to administration or use of countermeasures against CBRN agents to entities and individuals involved in the development, manufacture, testing, distribution, administration, and use of such countermeasures. The PREP Act authority, including the authority to issue PREP Act declarations, resides with the Secretary of HHS and has not been delegated to FDA.

Interesting that little phase "willful misconduct". Isn't that the whole point of this lawsuit? If there is proof of willful misconduct by these companies then their EUA status would be revoked. Hopefully retroactively for people to get justice who suffered under this fraud.

7 0 Reply

Jason Jewell
a month ago edited

Doubt if anything changes until laws change. We basically have legal bribery in this country w/ lobbying. pHARMa is by far the largest donator to Congress/Senate campaigns in the Billions annually. The FDA/CDC CEO's push things through and then are rewarded with mega million positions at the pharma companies they help. Just research the Dr. Julie Gerberding case where she pushed through vax reform bounced the annual vax recs up (I believe from the 40s into the 70s by age 18), covered up the MMR scandal, fired the docs that blew the whistle and then took a 5M/year w/ Merck heading up Vax division. The whole thing is corrupt.

5 0 Reply

GarySummers → Jason Jewell
a month ago

They have known for #20 Years the Vaccines cause Autism.
All about the $$$$$!

0 0 Reply

Alison
a month ago

The law is a whip. It's held to control.

5 0 Reply

Polly Green
a month ago edited

They fear any chink in the armor of their shield from legal liability.
If Brooke Jackson gets "boeinged" we'll know why. [this was my original comment, which got flagged for the fourth word, first sentence]

5 0 Reply

pure. isrn
a month ago

Thank You, Michael!
Beautifully written 🙌🏻
Greetings, from Eugene, Oregon!

5 0 Reply

Beatrice
a month ago

Dept of Justice? There is no justice, no science, no commonsense, no truth, no reason to trust, no good anymore in America's government. How do our elected get up every morning and go to work in such a cesspool and feel the slightest bit worthy of a paycheck?

4 0 Reply

GarySummers → Beatrice
a month ago

Really none at all in Washington State, New York City, Wash. DC., and Fulton Country GA.

1 0 Reply

GarySummers
a month ago

"Complete Fraud" - Nick Hudson Reveals the Deceit Behind Pfizer's "95% Effective" Clinical Trials

"On any sensible clinical endpoint (hospitalization & severe disease), the vaccine arm of the phase three trials performed much worse than the placebo arm," attested @NickHudsonCT .

"And there was a basic fraud" to achieve the desired outcome of less COVID among the vaccinated than the unvaccinated, he shared.

"The way they achieved that was by implementing a subset study group inside the phase three trial to look at reactogenicity, which is … side effects of the vaccine as a result of the immune reaction. And what the protocol led to [was] anybody who had COVID-like symptoms being excluded from the study without being PCR tested," he explained.

"And this was a fraud because they knew from their earlier studies that people who took the vaccine in a reasonably high proportion would suffer from … neutropenia and… lymphocytopenia, which are immune suppression conditions causing people to get COVID as a result of being vaccinated. So all those people who potentially had COVID were removed from the study once they generated COVID symptoms and not PCR tested on the way out."

4 0 Reply

r2bzjudge
a month ago

JAMA editorial: "Contrary to a wealth of misinformation available on social media and the internet, data from various studies indicate that since the beginning of the COVID-19 pandemic tens of millions of lives were saved by vaccination."

A self serving statement by public health officials, with no actual evidence presented, to back it up. I have found there to be a wealth of disinformation by public health officials. MRNA stays in your arm. MRNA clears out within a few weeks. Safe and effective. Myocarditis is mostly mild. However, 67% of myocarditis patients needed medical intervention/hospitalization. Not mild.

Public health officials lack credibility.

3 0 Reply

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